

INTRADEPARTMENTAL CORRESPONDENCE

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CHICAGO POLICE
POLICE COMMISSION

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING, FID NO. 006-20

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 006-20. A Use of Force Review Board (UOFRB) was convened on this matter on November 16, 2020. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On Friday, February 21, 2020, Officers S. Park, Serial No. 42345, and C. Molina, Serial No. 43054, were working uniformed patrol in 77th Division on loan from Southeast Division, assigned to Unit 12A31. Officers Park and Molina were in full police uniform and driving a marked black and white Ford Explorer Sport Utility Vehicle (SUV).

Officers Park and Molina had worked together as partners for approximately five to six months prior to this day and have had numerous discussions regarding tactics. The discussions have included, but were not limited to, contact and cover, traffics stops, shooting incidents, calling for additional resources, active shooter scenarios, verbal and non-verbal communication, concepts of distance and cover, less-lethal force options, lethal force options, and the debriefing of radio calls that they had handled. Additionally, Officers Park and Molina had a standing tactical plan which specified that if one officer attempted to physically detain a suspect, the partner officer would additionally physically detain the suspect, believing that the initiating officer observed something, such as a possible threat, that the partner officer had not observed. On the day of the OIS incident, Officer Park was the driver officer and would primarily be the contact officer on incidents, while Officer Molina was the passenger officer and would be the cover officer. The roles could be switched, depending on the situation.

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

According to the FID investigation, at approximately 0116:09 hours, an unknown female caller, later identified as D. Kolen, telephoned the Los Angeles Police Department (LAPD) Communications Division (CD) and requested that a police officer respond to the location of 800 West 78th Street. When CD attempted to gather more information, Kolen repeated her request for a police officer and did not provide any additional information. At approximately 0117:38 hours, CD broadcast, "Seventy-Seventh units, unknown trouble, 800 West 78th Street, 800 West 78th Street, female requesting PD, unable to speak on the phone, Code Three Incident 240, RD 1257. 77th Unit to handle the Code Three call identify." At approximately 0118:18 hours, the radio call was assigned to Officers Park and Molina. Officer Molina advised CD that they would handle the radio call and responded Code Three.

According to Officer Molina, she read the comments of the radio call to Officer Park as they responded. Officer Molina stated that due to the radio call being an unknown trouble, it was difficult to discuss a tactical plan due not knowing the cause of the radio call.

According to the FID investigation, at approximately 0125:22 hours, Officers Park and Molina arrived at scene. The location of the radio call was a single-family dwelling located on the southwest corner of Hoover Street and 78th Street.² The surrounding area was primarily residential and there were multiple vehicles parked along the north and south curbs of 78th Street. Officer Park stopped their vehicle in the street, facing west on 78th Street, just west of Hoover Street. The police vehicle was partially blocking the westbound lane of 78th Street. Officers Park and Molina exited their police vehicle. Officer Park walked toward the south curb of 78th Street, as Officer Molina utilized her flashlight to illuminate the vehicles parked along the north side of 78th Street. Officer Molina observed Kolen sitting on the north curb of 78th Street, between two parked vehicles. Officer Molina asked Kolen if she had called for the police and if she was "okay." Kolen denied calling the police and replied, "I'm fine." Meanwhile, upon hearing Officer Molina speaking with Kolen, Officer Park immediately joined Officer Molina on the north side of the street. Both officers attempted to communicate with Kolen and ascertain if she was the source of the radio call. According to Officer Molina, Kolen had a blank stare, her face was expressionless, and her replies were very short. Based on Kolen's demeanor and the tone of her voice, Officer Molina believed that Kolen was possibly the victim of a crime and/or suffering from depression. During their conversation, Kolen identified herself as "Dorothy" and indicated that she lived nearby. Kolen reiterated to the officers that she was okay and denied calling the police. Officers Molina and Park then turned and walked towards 800 West 78th Street to continue their investigation (**Additional Tactical Debrief Topics – Tactical Vehicle Deployment**).

According to the FID investigation, Officer Molina believed Kolen was possibly the source of the radio call and requested the name of the Person Reporting's (PR) of the radio call from CD, who advised they did not have the PR's name. As Officers Park and Molina approached

² The investigation revealed that Kolen did not reside at 800 West 78th Street, nor was she affiliated with the residents.

800 West 78th Street, Kolen advised them, "Don't go there. They didn't call you." Officers Molina and Park turned around and walked towards Kolen, who was still seated on the curb. According to Officer Molina, it appeared that Kolen was trying to prevent them from speaking with the residents of 800 West 78th Street. This caused Officer Molina to believe the potential perpetrator may be at that location. Officer Park assured Kolen that it was okay if she called the police and that they were there to help her. Both officers asked Kolen if she was the person who called the police and Kolen replied, "I said they didn't call." Officer Park asked Kolen, "What's wrong?" Kolen was unresponsive. Although Officer Molina did not observe any visible injuries on Kolen's body, she asked her if she needed an ambulance. Kolen responded; however, it was unintelligible.

According to the FID investigation, at approximately 0127:45 hours, Officers K. Sutliff, Serial No. 41541, and R. Cabrera, Serial No. 42265, Unit 12A73-W3, Southwest Patrol Division on loan to 77th Patrol Division, responded to the scene to inquire if any assistance was needed.

According to Officer Park, she advised Officers Sutliff and Cabrera that they did not need assistance. Officer Park stated they were still investigating the radio call and they did not have enough information on the incident in regard to a PR, suspect, or victim. Officer Sutliff and Cabrera then left the scene, as Officers Park and Molina continued speaking with Kolen, who they believed was a possible victim of a crime. There were no indications, based on Kolen's actions and demeanor, that an additional unit was needed at the time. Officer Park and Molina continued speaking with Kolen and assuring her that she was not in trouble and that they were there to help her. Officer Park noted Kolen was not *responding very well* to their questions and would just look at them. Based on her training and experience, Officer Park believed that the interaction with Kolen *seemed a little off*, leading Officer Park to believe that Kolen was the source of the radio call. Additionally, Officer Park was unsure of the *situation* and was *thinking* about multiple possible *scenarios* to explain Kolen's behavior, such as a possible *ambush* or *someone waiting* to ambush her and her partner.

According to the FID investigation, Officer Park was unsure if the cargo van belonged to Kolen and decided to check the interior of the vehicle to ensure there were no occupants inside. Officer Park walked west a short distance and utilized her flashlight to illuminate the passenger compartment of the cargo van, as well as a white sedan that was parked just west of it. There were no occupants inside either vehicle.

According to Officer Park, the spacing was very tight between the two vehicles where Kolen was seated. Officer Park believed that she and Officer Molina would be unable to fit through the small space together, in the event that the situation escalated. Officer Park decided to *redeploy* to the north sidewalk of 78th Street with the intention to move to a position of *advantage* where she and her partner could *triangulate* on Kolen.

Note: At the time of the incident, FID investigators determined that the distance between the cargo van and mini-van was approximately 3 ½ feet. Officer Park estimated the distance between the vehicles was approximately 2 feet to 2 ½ feet.

According to Officer Park, she walked east on the north sidewalk of 78th Street and approached Kolen's right side and illuminated Kolen with her flashlight. Officer Park observed a *silver* object that was approximately one *inch* in size on the *right rear side* of Kolen's *waistband*; however, she could not identify the object. Officer Park did not want to alert Kolen of her observation and cause an adverse reaction. Therefore, she did not verbally advise Officer Molina about the object. Officer Park stated that had she identified the object in Kolen's waistband as a knife and/or a sharp object, she would have advised Officer Molina of her observations and directed her to redeploy. In addition, Officer Park would have requested additional units and/or a back-up, unholstered her TASER, and attempted to find cover while continuing to verbalize with Kolen. Officer Park and Officer Molina had a standing tactical plan for initiating physical contact with suspects. If one officer goes "hands on," they both go "hands on," with the understanding that their partner observed a threat that they did not see (**Debriefing Point No. 1 – Tactical Planning/Communication**).

According to the FID investigation, Officer Park was cognizant that Officer Molina was standing *in front* of Kolen and feared for her safety. Believing Kolen was possibly armed with a weapon, Officer Park decided to detain Kolen pending further investigation. Officer Park's intentions were to place Kolen into a standing position, apply handcuffs, and conduct a cursory search of her person for weapons.

According to Officer Park, she ordered Kolen to stand up, but Kolen did not comply. Therefore, Officer Park decided to go "hands on" with Kolen, in order to *control* and prevent Kolen from reaching for the silver object. While holding her flashlight in her left hand, Officer Park leaned forward and used her right hand to grab a hold of Kolen's right bicep. Officer Park utilized a C-grip with both hands on Kolen's bicep. According to Officer Park, Kolen stood up and began *pulling away* from Officer Park. Kolen pulled her body in an *eastbound* direction towards the north *sidewalk* of 78th Street and repeated "No, no, no." As Kolen pulled away she was *wiggling* her arm and pulled it into the interior of her *sweatshirt*. Officer Park lost her grip on Kolen's right arm (**Non-Lethal Force**).

Note: According to the analysis of BWV conducted by FID investigators, Officer Park grabbed Kolen's right forearm, using only her right hand.

According to the FID investigation, Officer Park had attempted to place her flashlight into her left lower pant pocket (sap pocket); however, she was unable to do so. According to Officer Park, Kolen began moving which prevented her from securing the flashlight. In an attempt to control Kolen's movement, Officer Park placed her left hand on Kolen's right upper arm, while still holding the flashlight in her hand (**Additional Tactical Debrief Topics – Initiating Physical Contact with a Flashlight in Hand**).

According to Officer Molina, she heard Officer Park state, "Hey, get up," and observed Officer Park place *her hands on* Kolen. Officer Molina *felt that maybe* Officer Park *saw something* Officer Molina did not see or *maybe* Kolen *had some sort of weapon, because* Kolen *had been fidgeting around a lot*. A combination of Officer Park's actions and Kolen's demeanor caused

Officer Molina to believe that Kolen was possibly armed with a weapon. Officer Molina approached Kolen and *grabbed Kolen's right forearm* in order to *place it behind Kolen's back*. As Officer Molina attempted to place Kolen's hand behind her back, Kolen *swung her arm away from Officer Molina*, causing Officer Molina to lose her *grip of Kolen's arm (Non-Lethal Force)*.

Note: According to the FID investigation, Officer Molina approached Kolen's left side and grabbed Kolen's left wrist using both hands.

According to Officer Park, she lost her grip on Kolen and she and Officer Molina approached Kolen again in an attempt to detain her. Officer Park recalled telling Kolen, "Just come back here. We're trying to help." Kolen backpedaled *eastbound on the sidewalk* until she reached the *northwest corner* of 78th Street and Hoover Street. Officers Park and Molina were approximately *20 feet* away from Kolen when Kolen stopped backpedaling. When Kolen reached the corner, Kolen produced a "big kitchen knife" from her *rear waistband* and *pointed the knife towards Officers Park and Molina*. Kolen then began *moving forward towards Officers Park and Molina*. Officer Park drew her service pistol when she saw Kolen *had a knife pointed at them*. Officer Park *was afraid for her own life and her partner's life* due to Kolen's actions with the knife (**Drawing/Exhibiting**).

According to Officer Molina, after she lost her grip of Kolen's arm, she moved *forward to grab Kolen's arm again*. As Officer Molina came within approximately *three feet* of Kolen, Officer Molina observed Kolen produce a *kitchen knife* from her rear waistband. Officer Molina perceived that Kolen had raised the kitchen knife by Kolen's *head area*, at ear level, in an *overhand grip*. Officer Molina drew her service pistol because Officer Molina believed that Kolen *was going to try to stab them with the knife*. Officer Molina tried to redeploy by backing up and creating distance from Kolen (**Drawing/Exhibiting – Officer Molina First Occurrence and Additional Tactical Debrief Topics – Profanity**).

Note: According to the FID investigation, Kolen never held the knife in a raised position.

According to Officer Molina, Kolen walked towards her and Officer Park at a fast pace, while holding the knife in her right hand. As Kolen approached them, Officer Molina observed that Kolen was jabbing the knife forward in her direction, while holding the knife at *waist level*. Officer Park continued to give Kolen commands to *stop*. Officer Molina *believed* she observed Kolen *move her head back and forth indicating Kolen was not going to stop*. Officer Molina was *walking backwards as quickly as she could*, but "couldn't walk backwards fast" because she "couldn't see" where she was going. Officer Molina *felt like Kolen was power walking towards her and had closed enough distance where Officer Molina felt Kolen was going to stab them*. When Officer Molina believed Kolen was approximately four feet to five feet away from her, Officer Molina discharge one round from her service pistol at Kolen to *prevent Kolen from hurting or killing her or Officer Park*. Officer Molina assessed after her first round and observed that Kolen was *not stopped* by the first round she had fired. Officer Molina *shot again*, from a distance she believed was approximately *three feet*, causing Kolen to fall to the ground. Officer

Molina assessed again and didn't feel that she needed to shoot anymore because Kolen was on the ground, had dropped the knife, and felt Kolen was no longer a threat (**Lethal Force**).

Note: According to the FID investigation, after producing the knife, Kolen stopped momentarily, then proceeded to walk in the officers' direction. As Kolen advanced toward the officers, she continued to hold the knife along her right side/hip area, with the blade facing in a northwesterly direction.

According to the FID investigation, at approximately 0128:58 Hours, Officer Molina discharged two rounds from her service pistol from an approximate distance of twelve feet. Both rounds were fired within approximately one second. The time between the first and second shot was approximately 0.43 of one second. The time from when Kolen began walking towards the officers with the knife to the time of the OIS was approximately six seconds. In addition, the analysis determined that Officer Molina backed up approximately 32 feet prior to discharging her first round.

According to the FID investigation, at approximately 0128:58 hours, Officer Park intentionally dropped her flashlight on the sidewalk, retrieved her handheld radio, and broadcast a backup request. At approximately 0129:02 hours, Officer Park upgraded her backup request to a "Shots Fired, Officer Needs Help" broadcast [**Additional Tactical Debrief Topics – Maintaining Control of Equipment (Flashlight) and Additional/Equipment – Tactical Communication**].

Note: According to the FID investigation, as Officer Park broadcast the back-up request, 77th Division Frequency captured the sound of two gunshots in the background. Communications Division was in the process of broadcasting the back-up request when Officer Park upgraded it to a help call, advising that shots had been fired. Although both broadcasts can be heard on 77th Division Frequency, CD and Officer Park were speaking simultaneously. When CD broadcast the help call, they did not advise the responding units that shots had been fired.

According to Officer Molina, she holstered her service pistol because she intended to broadcast a help call but realized that Officer Park had already broadcast a help call. Officer Molina recognized that Kolen was still in close proximity to her knife and had not yet been handcuffed, which prompted her to draw her service pistol for a second time. Officers Park and Molina stood by until additional officers arrived at scene (**Drawing/Exhibiting – Officer Molina Second Occurrence**).

According to the FID investigation, the following personnel responded to the help call broadcast: Sergeant T. Eiman, Serial No. 31559, Harbor Division Patrol on loan to 77th Division Patrol, Unit 12L40; Officers I. Peltekian, Serial No. 43431, and J. Tellez, Serial No. 43437, Southeast Division Patrol on loan to 77th Division Patrol, Unit 12A15; Officers D. Salcido, Serial No. 42866, and J. Sanchez, Serial No. 43189, Southwest Division Patrol on loan to 77th Division Patrol, Unit 12A29; Officers D. Torres, Serial No. 41483, and D. Skotte, Serial No. 43709, Southeast Division Patrol on loan to 77th Division Patrol, Unit 12A3; Sergeant J. Gomez, Serial No. 39595, Southwest Division Patrol on loan to 77th Division Patrol, Unit 12L50; and Officers

Sutliff and Cabrera [Additional/Equipment – Required Equipment (Baton), Required Equipment (Hobble Restraint Device), and Additional/Equipment – Seatbelt].

According to the FID investigation, at approximately 0129:44 hours, Officers Sutliff and Cabrera were the first additional officers to arrive. They drove west on 78th Street and parked their vehicle in the street, facing west, adjacent to the parked cargo van. According to Officer Sutliff, they were unable to see Officers Park and Molina due to vehicles parked along the north curb. Officers Sutliff and Cabrera ran towards the area they last observed Officers Park and Medina; between the cargo van and mini-van, and almost ran into a crossfire situation with Officers Park and Molina. Officer Molina, in order to avoid additional potential crossfire situations, requested CD to advise the responding units that they were facing east on 78th Street (**Additional Tactical Debrief Topics – Tactical Communication**).

According to the FID investigation, at approximately 0130:28 hours, Sergeant Eiman arrived at scene. Sergeant Eiman observed that Kolen was injured, but he was uncertain as to the cause of her injuries. Sergeant Eiman asked if any force had been used. Officers Cabrera and Sutliff responded that they did not know. Officers Park and Molina did not respond to Sergeant Eiman's question. When the additional officers had arrived, Sergeant Eiman began forming an arrest/contact team. Sergeant Gomez arrived shortly after Sergeant Eiman began forming the arrest/contact team. As Sergeant Eiman devised a tactical plan to approach Kolen, he directed the arrest/contact team to secure the knife. Officer Peltekian immediately advised Sergeant Eiman that the knife should remain in place, since an OIS occurred. At this time, Sergeants Eiman and Gomez became aware that an OIS had occurred. According to Sergeant Eiman's BWV, Sergeant Eiman asked to confirm if an OIS had occurred, resulting in Officers Park and Molina stating a shots fired help call had been broadcast. Upon discovering an OIS had occurred and that a knife was still near Kolen, Sergeant Gomez advised that she would retrieve a ballistic shield for the arrest/contact team to use for their approach. The arrest team consisted of Officer Tellez as the point officer with the ballistic shield, Officer Park and Molina as the Designated Cover Officers (DCO), Officers Sutliff (Taser) and Cabrera (Bean Bag Shotgun) as the Less-lethal Officers, and Officers Peltekian and Torres as the handcuffing officers (**Command and Control**).

Note: According to the FID investigation, Officer Park stated did not hear Sergeant Eiman initially ask if any force had been used against Kolen. Officer Park advised she had been concentrating on the responding units and that there were multiple sirens sounding in the area. Officer Molina stated she believed Sergeant Gomez had been the first supervisor that arrived at scene. Officers Park and Molina were separated immediately after Kolen was taken into custody and further advised Sergeant Gomez of their involvement in the incident.

According to the FID investigation, at approximately 0132:29 hours, Officer Tellez requested a Rescue Ambulance (RA) for Kolen. At approximately 0133:36 hours, the arrest/contact team approached Kolen and took her into custody. At approximately 0134:04 hours, Sergeant Gomez broadcast a Code Four, advised that Kolen was in custody, and declared herself the Incident Commander (IC). Sergeant Gomez identified, separated, and monitored Officers Park and Molina.

According to the FID investigation, Officer Torres believed the knife was still in close proximity to Kolen. If the officers were to reposition Kolen onto her back, she would end up lying on top of the knife. Officer Torres moved the knife in a northerly direction. At approximately 0134:07 hours, Sergeant Eiman asked if Kolen was breathing. Officer Tellez replied that Kolen was not breathing. Sergeant Eiman directed the officers at scene to begin cardiopulmonary resuscitation (CPR). Officer Peltekian rolled Kolen onto her back and administered chest compressions. After approximately one minute and 43 seconds, Kolen began to move and attempted to speak, at which time Officer Peltekian stopped administering chest compressions. Officers Peltekian and Salcido rolled Kolen onto her left side in a recovery position and encouraged Kolen to stay on her side and to keep breathing (**Additional/Equipment – Preservation of Evidence, Bloodborne Pathogens, and Medical Treatment/Rendering Aid**).

According to the FID investigation, at approximately 0138:24 hours, Officer Sanchez requested an estimated time of arrival (ETA) for the RA from CD, who advised that an ETA was not provided, but that the RA was responding Code Three. Officer Sanchez requested that CD advise the responding Los Angeles Fire Department (LAFD) personnel that CPR had been administered and that Kolen was breathing. At approximately 0141:58 hours, LAFD RA 257 arrived at scene and provided medical attention to Kolen. At approximately 0147:44 hours, Kolen was transported to Harbor-UCLA Medical Center. Officer Peltekian rode inside the RA with Kolen and Officer Tellez followed the RA in his police vehicle.

According to the FID investigation, Sergeant A. An, Serial No. 37157, Southeast Division Patrol, arrived at scene after Kolen had been taken into custody. Sergeant Gomez directed Sergeant An to separate and obtain a Public Safety Statement (PSS) from Officer Park. Sergeant An separated, monitored and obtained a PSS from Officer Park. Sergeant Gomez obtained a PSS from Officer Molina [**Additional/Equipment – Protocols Subsequent to CUOF (Documentation)**].

According to the FID investigation, at approximately 0225 hours, Lieutenant H. Hawkins, Serial No. 34094, Southeast Patrol Division, Watch Commander, notified the Department Operations Center (DOC) of the OIS incident (**Additional/Equipment – DOC Notification**).

FINDINGS

Tactics – Administrative Disapproval, Officer Park. Tactical Debrief, Officer Molina.

Drawing/Exhibiting – In Policy, No Further Action, Officers Park and Molina.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Park and Molina

Lethal Use of Force – In Policy, No Further Action, Officer Molina.

ANALYSIS³

Detention

Officers Park and Molina responded to an “Unknown Trouble” radio call regarding a woman requesting the response of a police officer. Officers arrived and contacted Kolen, who was possibly involved in the radio call. While speaking with Kolen, Officer Park observed a silver object located in the area of Kolen’s rear waistband. Believing the silver object was a possible weapon, Officer Park attempted to detain Kolen to conduct a cursory pat down search. Officer Molina also attempted to physically detain Kolen who resisted the attempt to search and produced a knife from Kolen’s rear waistband area. Kolen walked towards Officers Park and Molina while armed with the knife resulting in an OIS. The actions of detaining Kolen during this incident were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *“The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training”* (*Los Angeles Police Department Manual, Volume 3, Section 792.05*).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*

³ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the FID investigation.

- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Park and Molina have worked together as partners for approximately five to six months and have had previous discussions regarding tactics. According to Officer Park, Officers Park and Molina had a standing tactical plan which specified that if one officer attempted to physically detain a suspect, the partner officer would additionally physically detain the suspect, believing that the initiating officer observed something, such as a possible threat that the partner officer had not observed. On the day of the OIS incident, Officer Park was the driver officer and would primarily be the contact officer on incidents, while Officer Molina was the passenger officer and would be the cover officer. Depending on the situation, the roles could be switched,

After receiving the unknown trouble radio call, Officer Molina read the comments to Officer Park as they responded Code Three. According to Officer Molina, the unknown trouble radio call made it difficult to discuss a tactical plan due not knowing the cause of the radio call. After arriving at scene, Officer Park and Molina made contact with Kolen. The UOFRB noted that although Officers Park and Molina discussed their roles of contact and cover, they both participated in verbally contacting Kolen. During their investigation, Officer Park observed a silver object to the right rear side of Kolen's waistband. Officer Park did not want to alert Kolen of her observation and cause an adverse reaction; therefore, Officer Park did not advise Officer Molina about the object. Officer Park's plan was to place Kolen into a standing position, apply handcuffs, and conduct a cursory pat down search of her person for weapons.

The UOFRB discussed Officer Park's plan to place Kolen into a standing position, apply handcuffs, and conduct a cursory search of her person for weapons. The UOFRB would have preferred Officer Park to have communicated her observations with Officer Molina of a possible weapon in Kolen's waistband. After communicating with Officer Molina, the UOFRB would have preferred that Officer Park then make an appropriate tactical plan that would have allowed her and Officer Molina to take Kolen into custody, from a position of distance and cover, using high risk pedestrian stop tactics.

Assessment – Officers Park and Molina assessed the incident and Kolen's action and behavior throughout the incident. Upon arrival to the scene, Officers Park and Molina assessed the scene and located Kolen sitting between two parked vehicles. According to Officer Molina, Kolen had a blank stare, her face was expressionless, and her replies were very short. Based on Kolen's demeanor and the tone of her voice, Officer Molina believed that Kolen was possibly the victim of a crime and/or suffering from depression. During their conversation, Kolen identified herself

as Dorothy and indicated that she lived nearby. Kolen reiterated to the officers that she was okay and denied calling the police. Officers Molina and Park then turned and walked towards the location of the radio call to continue their investigation of the unknown trouble radio call. As they walked, Kolen stated, "Don't go there. They didn't call you." This statement led Officers Park and Molina to reassess Kolen's role in the radio call. Officers Park and Molina returned to Kolen and attempted to re-engage her in conversation and gain more information. According to Officer Molina, it appeared that Kolen was trying to prevent them from speaking with the residents of the location of the radio call. As Officers Park and Molina continued speaking with Kolen and assuring her that she was not in trouble and that they were there to help her, Officer Park noted Kolen was minimally responding to their questions and would just look at them. Officers Park and Molina assessed Kolen was a possible victim of the unknown trouble or possibly was suffering from depression or experiencing a challenge related to mental health.

Officer Park assessed that the interaction with Kolen seemed a little "off." Officer Park was unsure of the situation and was thinking about multiple possible scenarios to explain Kolen's behavior, such as a possible ambush. Officer Park decided to check the interior of the nearby parked vehicles, redeployed onto the north sidewalk, and placed himself in a position of advantage, triangulated with Officer Molina and Kolen. Officer Park observed a silver object which she assessed to possibly be a weapon.

During the OIS, Officer Molina assessed after each of her two discharged rounds. Officer Molina observed that after her first round, Kolen's actions had not stopped and Officer Molina discharged a second round. After Officer Molina's second round, Kolen fell to the ground and stopped moving towards Officers Park and Molina. Officer Molina immediately ceased firing and continued to cover Kolen in a low-ready position.

The UOFRB discussed that Officers Park and Molina continuously assessed the circumstances that presented themselves during the radio call. The initial assessment of Kolen was that she was not being aggressive or combative. Officers Molina and Park believed Kolen to be a possible victim of a crime or possibly suffering from depression. The UOFRB noted the Officers Park and Molina showed compassion by assuring Kolen that it was okay if she called the police and that they were there to help her. Although Officer Molina did not observe any visible injuries on Kolen's body, she asked her if she needed an ambulance. The UOFRB additionally noted Officers Molina and Park kept their service pistols holstered during these interactions.

After Kolen was in custody, Sergeant Eiman continued to assess her status. Sergeant Eiman, when advised that Kolen was not breathing, directed officers to begin CPR until they were relieved by LAFD.

Time – Officers Park and Molina contacted Kolen and utilized time by communicating with her. They assured Kolen that she was not in trouble and that they were there to help her. Officer Park noted Kolen was responding minimally to their questions and would just look at them. Officers Park and Molina assessed Kolen was a possible victim of the unknown trouble, or possibly was suffering from depression.

Officer Park felt that the interaction with Kolen was a little “off.” Time allowed Officer Park to redeploy to the north sidewalk of 78th Street, with the intention to move to a position of advantage where she and Officer Molina could triangulate on Kolen. This new position allowed Officer Park the opportunity to observe a silver object to the rear of Kolen’s waistband area.

The UOFRB discussed that time was a critical factor in Officer Park and Molina’s interaction with Kolen. Officers Park and Molina utilized time to their advantage in their initial questioning of Kolen. However, once Officer Park identified a possible weapon in Kolen’s rear waistband, time was not utilized to the officer’s advantage. The UOFRB would have preferred that Officer Park not immediately attempt to detain Kolen after observing a possible weapon in her waistband. Kolen was already seated on the sidewalk in a position of tactical disadvantage and at the time was not aggressive or combative. Officer Park should have utilized time to communicate with Officer Molina her observations and then formulate a plan to take Kolen into custody utilizing appropriate high-risk pedestrian stop tactics.

Redeployment and/or Containment – Officers Park and Molina continued speaking with Kolen. Based on her training and experience, Officer Park believed that the interaction with Kolen seemed a little “off”, leading Officer Park to believe that Kolen was the source of the radio call. Additionally, Officer Park was unsure of the situation and was thinking about multiple possible scenarios to explain Kolen’s behavior, such as a possible ambush. Officer Park decided to redeploy to the north sidewalk of 78th Street with the intention to move to a position of advantage where she and her partner could triangulate on Kolen.

Once Kolen produced a knife from her waistband, Officers Park and Molina attempted to re-deploy by walking backwards away from Kolen in an attempt to create distance.

The UOFRB noted that Officers Park and Molina attempted to redeploy away from Kolen by backpedaling, after Kolen armed herself with a knife. Officers Park and Molina redeployed approximately 32 feet away from Kolen prior to Officer Molina discharging her first round. During this entire redeployment maneuver, Officer Park and Molina gave verbal commands to Kolen in an attempt to gain voluntary compliance.

Other Resources – While Officers Park and Molina were investigating the unknown trouble radio call, Officers Sutliff and Cabrera responded and offered to assist with the radio call. Officers Park and Molina declined the offered assistance. Officer Park believed at the time that an additional unit was not necessary. They had minimal information on the investigation and they believed Kolen was possibly a victim associated with the radio call.

When Officers Park and Molina were unable to gain further information from Kolen besides her name, Dorothy, Officer Molina contacted CD and requested the name of the Person Reporting.

The UOFRB noted that Officers Park and Molina’s decision to decline Officers Sutliff and Cabrera’s offer of assistance. The UOFRB would have preferred that Officers Park and Molina to have utilized Officers Sutliff and Cabrera to either stand by with Kolen or to contact the occupants of the radio call location in order to further their investigation.

After the OIS, Sergeant Eiman initiated the formation of an arrest team. The arrest team utilized multiple resources including less-lethal force options, such as a Beanbag Shotgun and a TASER, and a ballistic shield.

Lines of Communication – Officers Park and Molina engaged Kolen in a dialogue and attempted to gain information from her utilizing several different questions, while reassuring her that she was not in trouble and that the officers were there to help her.

The UOFRB noted the compassion by the officers communicated with Kolen, in which they advised her that they were there to assist her and that she was not in trouble. The UOFRB additionally noted that although each had a designated contact and cover role, both officers served as the contact officer at various times, as they communicated with Kolen.

Officer Park observed a silver object to the rear of Kolen's waistband. Officer Park did not want to alert Kolen of her observation and cause an adverse reaction; therefore, she did not advise Officer Molina about the object she believed was a possible weapon. During the attempt to detain Kolen for a cursory pat down search, Officers Park and Molina attempted to continue to de-escalate the situation by advising Kolen, "We're trying to help you," and "Calm down." After Kolen produced a knife and moved towards the officers, commands to stop were given to Kolen, in an attempt to gain her compliance. According to the FID investigation, it was determined that from the time Kolen began walking towards the officers while armed with the knife, to the time of the OIS, approximately six seconds elapsed. In addition, the FID analysis determined that Officer Molina backed up approximately 32 feet prior to firing her first round.

The UOFRB was critical of Officer Park and Molina's communication with each other. Throughout the investigation of the radio call, Officer Park and Molina did not communicate their inferences and observations during their interaction with Kolen. Officer Park redeployed to Kolen's opposite side without alerting Officer Molina and when Officer Park observed a possible weapon in Kolen's waistband, she did not communicate her observations to Officer Molina. The UOFRB noted that Officer Park was standing behind Kolen and would have been able to utilize an alternative form of communication such as hand signs. The UOFRB would have preferred that Officer Park to have communicated with Officer Molina her observations and then formulate a plan to take Kolen into custody utilizing distance, cover, and appropriate high-risk pedestrian stop tactics.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1

Tactical Planning/Communication

(Substantial Deviation, without Justification – Officer Park)

Officers must approach every contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- *Advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),*
- *Avoid inappropriate interruptions, and*
- *Avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).*

Officer Park failed to develop and communicate a tactical plan with Officer Molina when they encountered a suspect who Officer Park believed was potentially armed with a weapon.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officers Park and Molina had worked together as partners for approximately five to six months and had numerous discussions regarding tactics. Additionally, Officers Park and Molina had a standing tactical plan, which specified that if one officer attempted to physically detain a suspect, the partner officer would additionally physically detain the suspect, believing that the initiating officer observed something, such as a possible threat, that the partner officer had not observed. On the day of the OIS incident, Officer Park was the driver officer and would primarily be the contact officer on incidents, while Officer Molina was the passenger officer and would be the cover officer. The roles could be switched, depending on the situation.

Officers Molina and Park were assigned an unknown trouble radio call, which made it difficult to discuss a tactical plan due not knowing the cause of the radio call; however, Officer Molina read the comments of the radio call to Officer Park as they responded. Upon arrival to the radio call location, the officers made contact with Kolen. During the officers' investigation, they observed Kolen had a blank stare, her face was expressionless, and her replies were very short. Both officers believed Kolen was a victim of a crime or was suffering from depression. Officer Park noted Kolen was not responding very well to their questions and would just look at them. Based on her training and experience, Officer Park believed that the interaction with Kolen seemed a little "off", leading Officer Park to believe that Kolen was the source of the radio call. Additionally, Officer Park was unsure of the situation and was thinking about multiple possible scenarios to explain Kolen's behavior, such as a possible ambush. Officer Park decided to redeploy to the north sidewalk of 78th Street, with the intention to move to a position of advantage where she and her partner could triangulate on Kolen. Officer Park observed a silver object to the right rear side of Kolen's waistband. Officer Park did not want to alert Kolen of her

observation and cause an adverse reaction. Therefore, she did not verbally advise Officer Molina about the object that she believed was a possible weapon.

Officer Park was cognizant that Officer Molina was standing in front of Kolen and feared for her safety. Believing Kolen was possibly armed with a weapon; Officer Park decided to detain Kolen pending further investigation. Officer Park's plan was to place Kolen into a standing position, apply handcuffs, and conduct a cursory search of her person for weapons. Officer Park ordered Kolen to stand up, but she did not comply. Therefore, Officer Park decided to go hands on with Kolen, in order to control and prevent her from reaching for the silver object. Officer Molina heard Officer Park advise Kolen to stand up and observed Officer Park place her hands on Kolen. Officer Molina felt that Officer Park may have observed something Officer Molina had not observed or that Kolen was possibly armed with a weapon. Kolen stood up, resisted detention, produced a knife, and moved towards the officers, which resulted in the OIS incident.

The UOFRB was critical of Officer Park in not communicating her observation that Kolen was possibly armed with a weapon. Although they had a standing plan involving non-verbal actions, such as going "hands on" with a suspect meant that the suspect possibly had a weapon, the UOFRB would have preferred better communication between the officers. The UOFRB noted that Officer Park could have utilized hand signals or alternative communications methods to communicate with Officer Molina, if she was concerned about alerting Kolen of her observations. The UOFRB noted that once Officer Park initiated physical contact with Kolen, Officer Molina had limited time to assess the situation and had to quickly react to Officer Park's decision to detain Kolen. In addition, the UOFRB noted that Officer Park did not communicate her decision to redeploy to the north sidewalk and on the other of the parked cargo van.

The UOFRB was critical of Officer Park's decision to physically detain Kolen for a pat down search. The UOFRB determined, and I concur, that it would have been preferable for Officer Park to advise Officer Molina of her observations and directed Officer Molina to redeploy. Further, Officer Park should have relocated to a position of cover and requested additional units and/or a back-up while continuing to verbalize with Kolen and utilize available time to form a plan to safely take Kolen into custody utilizing appropriate high-risk pedestrian stop tactics.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer Park's lack of communication with her partner regarding her observation of a possible weapon and her lack of planning prior to attempting to detain a possibly armed suspect were substantial deviations, without justification, from approved Department tactical training. In order to enhance future performance, I will direct these to be topics of discussion during the Tactical Debrief.

The UOFRB noted Officer Molina's limited opportunity in the tactical communication and planning once Officer Park observed a possible weapon to the rear of Kolen's waistband. Officer Park failed to communicate her observations and failed to implement a plan sufficient to detain a possibly armed suspect. It was not until Officer Park attempted to physically detain Kolen that Officer Molina believed, based on their standing plan, that Officer Park had observed something Officer Molina had not observed or Kolen was possibly armed with a weapon. Officer Park did

not communicate either possibility to Officer Molina which left Officer Molina with limited time to assess the situation and then physically assist Officer Park in detaining Kolen.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer Molina's attempt to assist Officer Park with detaining Kolen was not a deviation from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Tactical Vehicle Deployment – Officer Park parked the police vehicle directly across the street from the radio call location. Had Officer Park parked further down the street on the same side as the location of the radio call this would have provided a greater tactical advantage on the officers' approach to the radio call. I will direct this to be a topic of discussion during the Tactical Debrief.

Initiating Physical Contact with a Flashlight in Hand – Officer Park attempted to physically detain Kolen while still holding her flashlight in her left hand. Officers are reminded that utilizing both hands when attempting to detain a suspect can provide a higher level of control than one hand. I will direct this to be a topic of discussion during the Tactical Debrief.

Profanity – When Kolen armed herself with a knife from her rear waistband, Officer Molina utilized profanity. Although in this case the actions of Kolen were dynamic, officers are reminded to remain professional in their encounters with the community. I will direct this to be a topic of discussion during the Tactical Debrief.

Maintaining Control of Equipment (Flashlight) – Officer Park intentionally dropped her flashlight on to the ground when Kolen, who was armed with a knife, moved towards her and Officer Molina. Officer Park dropped her flashlight to retrieve her radio from its belt mounted holster and broadcast a backup request. Officers are reminded that, when possible it is important to retain necessary equipment, such as a flashlight, while operating in low light conditions. I will direct this to be a topic of discussion during the Tactical Debrief.

Tactical Communication – After the OIS incident, Officer Molina requested CD to advise the responding units that she and Officer Park were facing east. Officer Molina made that request in order to avoid potential crossfire situations. A broadcast with specific information on a direction of approach to the location would have assisted responding units in assessing a safe avenue of approach. I will direct this to be a topic of discussion during the Tactical Debrief.

COMMAND AND CONTROL

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control

implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Sergeant Eiman responded to the incident and was the first supervisor to arrive. Sergeant Eiman initiated the formation of a contact/arrest team and directed the team to take Kolen into custody. Sergeant Eiman identified that Kolen was not conscious or breathing and directed officers to initiate CPR. Sergeant Eiman directed officers to set up a crime scene, preserve evidence, and canvass for witnesses and possible victims. He implemented crime scene management while maintaining communication with Sergeant Gomez.

The UOFRB noted that it would have been preferred for Sergeant Eiman to have removed Officer Park and Molina from the contact /arrest in order to properly separate and monitor them. However, Sergeant Eiman was acting with the intention of taking Kolen into custody as expeditiously as possible in order to render medical aid to her. Sergeant Eiman should have also assessed the officers at scene and ordered officers that were not specifically assigned as designated cover officers to holster their service pistols.

Sergeant Gomez responded to the incident and assisted with the formation of the contact/arrest team. Sergeant Gomez retrieved a ballistic shield for the arrest/contact team from her police vehicle for use while the arrest team was approaching Kolen. After Kolen was in taken custody, Sergeant Gomez broadcast a Code Four and declared herself IC. Sergeant Gomez identified Officers Park and Molina as the involved officers and separated and monitored them. Sergeant

Gomez directed Sergeant An to monitor Officer Park, take custody of Officer Park's BWV, and to obtain a PSS. Sergeant Gomez obtained a PSS from Officer Molina and took custody of Officer Molina's BWV. Sergeant Gomez directed the creation of a Command Post (CP) on Hoover Street, south of 78th Street and ensured the crime scene was maintained.

Sergeant An responded to the OIS incident. Sergeant An monitored Officer Park, took custody of her BWV, and obtained a PSS from Officer Park.

The actions of Sergeants Eiman, Gomez, and An were consistent with Department supervisory training and my expectations of a field supervisor during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officer Park's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval. Officer Molina's actions did not deviate from Department policy and training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Therefore, I will direct Officers Molina and Park to attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On March 5th, 2020, Officer Park and Molina attended a General Training Update (GTU) where all mandatory topics were covered.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: "*An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified*" (*Los Angeles Police Department Manual, Volume No. 1, Section 556.80*)

Officer Molina (1st Occurrence)

According to Officer Molina, after she lost her grip of Kolen's arm, she moved forward to grab Kolen's arm again. As Officer Molina came within approximately three feet of Kolen, Officer Molina observed Kolen produce a kitchen knife. Officer Molina perceived Kolen had raised, in an overhand grip, the kitchen knife to the area near Kolen's head. Officer Molina drew her service pistol because Officer Molina believed that Kolen was going to attempt to stab her and Officer Park with the knife.

Officer Molina recalled,

At that point I tried to move forward to grab her arm again, and then I don't know out of where she produced the -- I think it was, like, 12-inch -- it's like a kitchen knife. And then when I -- she turned around and faced us and that's when she placed the overhand grip on the knife and she had it placed where her head is.⁴

I believe that when she had it over her head, she was maybe three feet -- three feet from me maybe.⁵

I, at that point, unholstered my firearm, because I thought that, you know, she was going to try to stab us with a knife.⁶

Officer Molina (2nd Occurrence)

According to Officer Molina, she holstered her service pistol because she intended to broadcast a help call but realized that Officer Park had already broadcast a help call. Officer Molina recognized that Kolen was still in close proximity to Kolen's knife, had not been handcuffed, and could pick up the knife again. Officer Molina drew her service pistol for a second time.

I holstered back up, because I was going to put out -- I was going to put out the help call, but then I realized my partner put out the help call. And then I realized, you know, she's not in cuffs yet and the knife is still there, so I decided I needed to draw my firearm again, because she's not in cuffs and she could still pick up the knife again.⁷

⁴ Officer Molina, Page 41, Lines 4-10

⁵ Officer Molina, Page 43, Lines 11-13

⁶ Officer Molina, Page 41, Lines 23-25

Officer Park

According to Officer Park, she unholstered her service pistol when she observed Kolen had produced an “item” which she later identified as a “big kitchen knife” from her rear waistband. Kolen pointed the knife at her and Officer Molina, from approximately 20 feet away. Officer Park was afraid for her own life and her partner’s life due to Kolen’s actions with the knife.

Officer Park recalled,

I’m telling her, “Just come back here. We’re trying to help.” And then she produces the item from the rear waistband.⁸

I see a big kitchen knife.⁹

The minute I saw the knife, I unholstered my firearm with my right hand.¹⁰

Because she had a knife. I was afraid for my life and my partner’s. She had it pointed toward us.¹¹

At this point she’s like 20 -- yeah . . . 20 feet.¹²

The UOFRB conducted a diligent evaluation of the reasonableness of Officers Molina and Park’s drawing and exhibiting of their service pistols. The UOFRB noted that while Officers Park and Molina were initially investigating the unknown trouble radio call, they did not unholster their service pistols prematurely. Officers Molina and Park only drew their service pistols when they were confronted by Kolen who was observed wielding a knife in close proximity. After Officer Molina was involved in the OIS, she attempted to broadcast a help call. This led her to holster her service pistol. After realizing that Officer Park had already broadcast the help call, Officer Molina drew her service pistol again due to the continuing possible threat that Kolen presented by being in close proximity to the knife, while still being unhandcuffed.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Park and Molina, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Park and Molina’s Drawing/Exhibiting to be In-Policy, No Further Action.

⁷ Officer Molina, Page 66, Lines 20-25 & Page 67, Line 1

⁸ Officer Park, Page 46, Lines 4-6

⁹ Officer Park, Page 46, Line 24

¹⁰ Officer Park, Page 48, Lines 23-24

¹¹ Officer Park, Page 28, Lines 16-20

¹² Officer Park, Page 28, Lines 19-25, & Page 2, Line 3

Policy on the Use of Force

Use of De-Escalation Techniques¹³

It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Use of Force – Non-Deadly¹⁴

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

Officer Park – Firm Grip

According to Officer Park, she ordered Kolen to stand up, but Kolen did not comply. Therefore, Officer Park decided to go “hands on” with Kolen, in order to control and prevent Kolen from reaching for the silver object. While holding her flashlight in her left hand, Officer Park leaned forward and used her right hand to grab a hold of Kolen’s right bicep. Officer Park utilized a C-grip with both hands on Kolen’s bicep. According to Officer Park, once Kolen stood up and she began “pulling away” from Officer Park. Kolen pulled her body in an “eastbound” direction towards the north sidewalk of 78th Street and repeated “No, no, no.” As Kolen pulled away she was “wiggling” her arm and pulled it into the interior of her sweatshirt. Officer Park lost her grip on Kolen’s right arm.

Officer Park recalled,

I looked to the suspect and I saw something. It was like a -- not even an inch like a silver -- it was just caught my light on it, so I was like what is that? I didn't know what -- I couldn't tell what it was. She was sitting down. It wasn't -- it wasn't in her pocket. It was on her right rear side, like, area.¹⁵

¹³ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

¹⁴ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

¹⁵ Officer Park, Page 36, Lines 1-7

I need to take control of her hands so she doesn't reach for anything. I just wanted to clear anything on her waistband or whatever for our safety. So that was my train of thought.¹⁶

That's why I decided to go hands on to prevent her from ever reaching that area.¹⁷

To -- to get her up and put her in cuffs.¹⁸

For our safety to check any--if it's a weapon, you know, check for weapons to -- for mainly officer safety just to know what it is. I just wanted to know -- find out what that thing was.¹⁹

When I grabbed her. When I grabbed her right arm.²⁰

Her bicep.²¹

Both hands.²²

Officer Park was asked a question regarding on the grip she utilized on Kolen.

DETECTIVE ROBLEDO: ... And did you -- you gripped her bicep like a -- kind of like a "C" grip?

OFFICER PARK: Yes.²³

Yes. Because the minute I said, "I need you to stand up," that's when we both approached the suspect.²⁴

So I went hands on. I grabbed her arm. I still had my flashlight on my left hand. I grabbed her. My partner grabbed her. She was moving away from us, like walking backwards towards the -- onto the sidewalk, and she starts -- I don't know how to explain it. She, like, starts putting her arm into her sleeve -- her right sleeve. I had a hold of her right -- right arm, but she kept wiggling out her arm into her -- into her sweater, and then she runs -- she runs backwards and then we're still approaching her. I'm telling her, "We're trying to help. You know, come back. We're trying to help." And then she reaches behind her right rear area of her back -- the right rear area and she produces a knife. It's like a kitchen knife. It was a big knife.²⁵

¹⁶ Officer Park, Page 39, Lines 20-24

¹⁷ Officer Park, Page 37, Lines 8-9

¹⁸ Officer Park, Page 42, Lines 14-15

¹⁹ Officer Park, Page 42, Lines 19-23

²⁰ Officer Park, Page 35, Lines 14-15

²¹ Officer Park, Page 35, Line 20

²² Officer Park, Page 81, Line 25

²³ Officer Park, Page 83, Lines 1-4.

²⁴ Officer Park, Page 84, Lines 2-4

²⁵ Officer Park Pages 12-13, Lines 12-1

Officer Molina – Firm Grip

According to Officer Molina, she heard Officer Park state, “Hey, get up,” and observed Officer Park place her hands on Kolen. Officer Molina believed Officer Park “saw something” Officer Molina did not see or Kolen “had some sort of weapon,” because Kolen had been “fidgeting around a lot.” A combination of Officer Park’s actions and Kolen’s demeanor caused Officer Molina to believe that Kolen was possibly armed with a weapon. Officer Molina approached Kolen and grabbed Kolen’s right forearm in order to place it behind Kolen’s back. As Officer Molina attempted to place Kolen’s hand behind her back, Kolen “swung” her arm away from Officer Molina, causing Officer Molina to lose her grip of Kolen’s arm.

Note: According to the FID investigation, Officer Molina approached Kolen’s left side and grabbed Kolen’s left wrist using both hands.

Officer Molina recalled,

I approached her -- I was going, like, towards her. Because at that point when my partner had already told her to stand up and she started moving around more, I felt that maybe my partner saw something I didn't see or maybe she had -- she had some sort of weapon, because she was fidgeting around a lot. So I didn't have time to go around the other way, because then if something would have happened to my partner, I would have been far from her. So I decided to just approach her straight and then I tried to grab one of her hands and she like then I think we ended up by the tree.²⁶

So as I was -- I was pulling on her forearm to try to place it behind her back. She -- she kind of swung her arm up as to break free from my grip, but she also kind of moved her body at the same time.²⁷

Because she had been fidgeting around and then as soon as my partner placed her hands on her and told her like, "Hey, get up," that's when she started going -- like moving around like -- and I believe she said, "No, no," or something like that. So then I grabbed her forearm to try to place it behind her back.²⁸

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officers Park and Molina’s non-deadly use of force. The UOFRB considered that Officer Park, based on her observations, believed Kolen was in possession of a possible weapon. Officer Park’s plan was to place Kolen into a standing position, apply handcuffs, and conduct a cursory pat down search for weapons. Officer Park ordered Kolen to stand up, but Kolen did not comply. Therefore, Officer Park decided to go “hands on” with Kolen, in order to control and prevent her from reaching for the silver object. Officer Molina heard Officer Park advise Kolen

²⁶ Officer Molina, Page 33, Lines 18-25 & Page 34, Lines 1-5

²⁷ Officer Molina, Page 35, Lines 16-20

²⁸ Officer Molina, Page 37, Lines 4-10

to stand up and observed Officer Park place her hands on Kolen. Officer Molina believed Officer Park may have observed something Officer Molina did not observe or Kolen was in possession of some type of weapon. I noted that the physical force utilized by Officers Park and Molina (firm grip) was minimal and intended to effect a detention of Kolen.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Park and Molina, while faced with similar circumstances, would reasonably believe that this same application of non-lethal force would be reasonable to effect a detention of Kolen.

Therefore, I find Officers Park and Molina's non-lethal use of force to be objectively reasonable and In Policy, No Further Action.

Factors Used to Determine Objective Reasonableness²⁹

*The Department examines reasonableness using *Graham v. Connor* and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.*

In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*

²⁹ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

Use of Force – Deadly³⁰

It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only to:

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*
- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force³¹

The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.

Officer Molina – 9mm, two rounds, from an approximate distance of 12 feet.

According to Officer Molina, Kolen walked towards her and Officer Park at a fast pace, while holding the knife in her right hand. As Kolen approached them, Officer Molina observed that

³⁰ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

³¹ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

Kolen was jabbing the knife forward in her direction, while holding the knife at waist level. Officer Park continued to give Kolen commands to stop. Officer Molina believed she observed Kolen move her head back and forth indicating that Kolen "was not going to stop." Officer Molina was walking backwards as quickly as she could but could not walk backwards fast because she could not observe where she was going. Officer Molina felt like Kolen was "power walking" towards her and had closed enough distance where Officer Molina felt Kolen "was going to stab" them. When Officer Molina believed Kolen was approximately four feet to five feet away from her, Officer Molina discharged one round from her service pistol at Kolen to prevent Kolen from "hurting or killing" her or Officer Park. Officer Molina assessed after her first round and observed that Kolen was "not stopped" by the first round she had fired. Officer Molina "shot again," from a distance she believed was approximately three feet, causing Kolen to fall to the ground. Officer Molina assessed again and did not feel that she needed to shoot anymore because Kolen was on the ground, had dropped the knife, and felt Kolen was no longer a threat.

Officer Molina recalled,

I remember at some point when we were telling her to stop, she shook her head indicating no.³²

She was closing distance while we were trying to create distance between her.³³

I felt that she was going to close distance on me or my partner. And I got scared, because I thought she was going to stab me or stab my partner and, like, kill one of us. So in an effort to try to like, you know, stop her from killing us, I got really scared and I shot. And I shot to just prevent her from hurting us or killing us.³⁴

I shot approximately two rounds. I shot two rounds, because I shot one and then she still was not down. She had not stopped, so I shot again and at that point she fell to the ground. So I assessed again and I didn't feel that I needed to shoot anymore, because she had already -- I believe she either dropped the knife or she was -- she was already on the floor, but I didn't feel like she was going to come -- be able to get back up and try to hurt us.³⁵

I think I remember kind of backing up, trying to create, like, distance from her and my partner was giving her commands, telling her to stop. I remember at some point when we were telling her to stop, she shook her head indicating no. So she moved her head like in a back and forth motion like this while she was still holding the -- I believe she was still holding the knife over her head and she -- pretty much what I -- what I believe to mean no. And as we kept backing up, she -- then I saw her come towards me with the knife. I think at

³² Officer Molina, Page 17, Lines 15-16

³³ Officer Molina, Page 18, Lines 9-11

³⁴ Officer Molina, Page 19, Lines 5-11

³⁵ Officer Molina, Page 19, Lines 13-22

this point she might have had it either mid level or she might have had it, like, here kind of and I think she had it like this.³⁶

Well, as she was coming towards me with the knife, she was walking really fast. I was walking backwards, so I couldn't walk fast walking backwards, because I couldn't see where I was going. So at that point I was trying to move as quickly as I could to try to create distance with her, but she -- it felt like to me like she was power walking towards me. So at some point she had closed enough distance where I felt she was going to stab me or she was going to stab my partner.³⁷

I feel like fast. It felt fast.³⁸

I believe maybe like four -- four feet, five feet.³⁹

Background – Officers Molina and Park responded to an unknown trouble radio call in a primarily residential area. The OIS incident occurred on the north sidewalk of 78th Street, just west of the Hoover Street. According to the FID investigation, BWV depicted that vehicles were parked along the north curb of 78th Street. The review of the BWV also determined that there were no pedestrian or vehicular traffic observed in Kolen's background. The UOFRB considered the background of Kolen during the OIS and determined, and I concur, that the background was clear of any visible concerns to Officer Molina during the OIS.

Note: According to the FID investigation, after producing the knife, Kolen stopped momentarily, then proceeded to walk in the officers' direction. As Kolen advanced toward the officers, she continued to hold the knife along her right side/hip area, with the blade facing in a northwesterly direction.

According to the FID investigation, Officer Molina discharged two rounds from her service pistol from an approximate distance of twelve feet. Both rounds were fired within approximately one second. The time between the first and second shot was approximately 0.43 of one second. The time from when Kolen began walking towards the officers with the knife to the time of the OIS was approximately six seconds. In addition, the analysis determined that Officer Molina backed up approximately 32 feet prior to discharging her first round.

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Molina's deadly force. The UOFRB took into consideration that Officer Park observed a silver object to the right rear side of Kolen's waistband, but did not advise Officer Molina, in an effort not to alert Kolen. Believing Kolen was possibly armed with a weapon; Officer Park decided to detain Kolen pending further investigation by placing Kolen into a standing position,

³⁶ Officer Molina, Page 17, Lines 12-25

³⁷ Officer Molina, Page 71, Lines 7-16

³⁸ Officer Molina, Page 48, Lines 19-20

³⁹ Officer Molina, Page 46, Lines 23-24

apply handcuffs, and conduct a cursory pat down search of her person for weapons. The UOFRB was critical of Officer Park in not communicating her observation to Officer Molina that Kolen was possibly armed with a weapon and of Officer Park's decision to physically detain Kolen for a pat down search of a possibly armed suspect. The UOFRB noted Officer Molina's limited role in the tactical communication and planning once Officer Park observed a possible weapon to the rear of Kolen waistband. It was not until Officer Park attempted to detain Kolen that Officer Molina felt that maybe Officer Park observed something Officer Molina did not observe or Kolen was possibly armed with a weapon. Officer Molina was left with a limited amount of time to assess the situation and then react to physically assist Officer Park in detaining Kolen, based on their standing plan.

The UOFRB considered that Officer Molina attempted to detain Kolen by grabbing Kolen's left wrist. Kolen resisted detention and began walking backwards, causing Officer Molina to lose her grip of Kolen. Kolen produced a kitchen knife from her rear waistband and then walked towards Officer Molina, with what Officer Molina described as at a "fast" pace, while holding the knife in her right hand. Officer Molina walked backwards as quickly as she could, in an effort to create distance from Kolen. Officer Molina felt like Kolen was "power walking" towards her and had closed distance on her. Officer Molina discharged one round from her service pistol at Kolen to prevent Kolen from injuring or killing her or Officer Park. Officer Molina estimated that Kolen was approximately four to five feet from her when she discharged the first round.

Officer Molina assessed after her first round and observed that Kolen was not stopped by the first round she had fired. Officer Molina discharged a second round, causing Kolen to fall to the ground. Officer Molina estimated that Kolen was approximately three feet away when she discharged her second round. Officer Molina assessed again and did not feel that she needed to discharge her service pistol anymore because Kolen was on the ground, had dropped the knife, and felt Kolen was no longer a threat.

The UOFRB considered that Officer Molina re-deployed backwards approximately 32 feet prior to the OIS. During this time, Kolen continued to walk towards Officer Molina and Park, ultimately closing to within approximately 12 feet of Officer Molina. The UOFRB also noted that Officer Molina discharged her first round, conducted an assessment that Kolen still presented an imminent threat of serious bodily injury or death to her or Officer Park, and then discharged her second and final round. I noted that Officer Molina's estimation of her distance from Kolen when she discharged her first and second round were different from the FID investigation, I also noted that the incident was dynamic and rapidly escalated. In this case, Officer Molina's estimation of distance was reasonable in relation to the rapid escalation of the incident by Kolen's actions. This rapid escalation by Kolen also limited the amount of time available to Officers Molina and Park to consider other force options. I also noted the significance of Kolen's continued actions to close distance to Officer Molina, while armed with a knife, despite Officer Molina's attempt to walk backward away from Kolen and create distance.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Molina, would reasonably believe Kolen's

actions presented an imminent threat of death or serious bodily injury and that the use of Deadly Force was necessary and objectively reasonable.

Therefore, I find Officer Molina's use of lethal force to be In Policy, No Further Action.

Additional/Equipment

Tactical Communications – While enroute to Officer Park's help call, Officer Tellez requested for Officer Peltekian to advise him of the call type that Officer Park was handling. Officer Peltekian did not advise Officer Tellez that he had heard the sound of gunshots during Officer Park's transmission for a request for backup. Officer Peltekian also did not communicate to Officer Tellez that he believed that an OIS had occurred. The Director of the Office of Operations (OO) advised that this issue was addressed through the generation of a Supervisory Action Item (SAI) and Divisional Training. As such, I deem no further action is necessary.

When Officer Park broadcast Shots Fired Officer Needs Help, the Radio Transmission Operator (RTO), Police Service Representative (PSR) M. Serrano, Serial No. N5634, did not repeat the "Shots Fired" portion of Officer Park's broadcast. Only the "Officer Needs Help" portion was repeated by PSR Serrano. The responding units were unaware that shots had been fired. An analysis of the radio transmissions was performed by CD and determined that Officer Park broadcast her "Shots Fired" portion of her help call simultaneously as PSR Serrano was broadcasting Officer Park's earlier back up request. This caused PSR Serrano to be unable to hear the "Shots Fired" portion of Officer Park's broadcast, due to limitations on the radio equipment utilized by CD. Captain A. Vargas, Serial No. 30493, Commanding Officer, Communication Division, advised that no corrective action was necessary. The Director of the Office of Support Services (OSS) concurred with this action. As such, I deem no further action is necessary.

Seatbelt – Sergeant Eiman and Officers Tellez and Peltekian did not have their seatbelts fastened when they responded Code Three to the Help Call. Sergeant Eiman donned his seatbelt approximately one minute into his response. Officers Peltekian and Tellez donned their seatbelts approximately 30 seconds into their response. The Director of OO advised that this issue was addressed through the generation of a SAI and divisional training. As such, I deem no further action is necessary.

Required Equipment (Hobble Restraint Device) – Sergeants Eiman and Gomez, along with Officers Peltekian and Sanchez, did not have their HRD on their person at the time of this incident. The Director of OO advised that this issue was addressed through the generation of a SAI and divisional training. As such, I deem no further action is necessary.

Required Equipment (Baton) – Sergeants Eiman and Gomez, along with Officers Peltekian, Tellez and Salcido did not have a collapsible baton or side handle baton on their person at the time of this incident. The Director of OO advised that this issue was addressed through the generation of a SAI and Divisional Training. As such, I deem no further action is necessary.

Bloodborne Pathogens – When the arrest team took Kolen into custody, Officer Torres did not don protective gloves. Officer Torres was assigned to take physical control of Kolen. Officer Torres stated he had depleted his supply of gloves earlier in his shift. Officers are reminded to don protective equipment to avoid the contact with sources of possible bloodborne pathogens. The Director of OO advised that this issue was addressed through the generation of a SAI and divisional training. As such, I deem no further action is necessary.

Medical Treatment – Rendering Aid: A Rescue Ambulance (RA) was requested by Officer Tellez after the OIS approximately one minute and 33 seconds prior to Kolen being taken into custody. Sergeant Eiman inquired if Kolen was breathing to which Officer Tellez responded that Kolen was not breathing. Sergeant Eiman directed an officer to begin cardiopulmonary resuscitation (CPR). Upon hearing this direction, Officer Skotte ran to his police vehicle to retrieve a CPR protective mask. Officer Peltekian, under the direction of Officer Sanchez, placed Kolen onto her left side. Officer Peltekian checked Kolen for a pulse to which he located a light pulse. Officer Peltekian was unsure if Kolen was breathing; therefore, he rolled Kolen onto her back into a supine position and administered chest compressions. Officer Salcedo donned protective gloves in the event he was needed to relieve Officer Peltekian. Officer Sanchez updated CD that the officers were conducting CPR on Kolen. An analysis of BWV by FID determined Officer Skotte took approximately 39 seconds to retrieve a CPR protective mask, but upon his return, he was advised that chest compressions were already being conducted on Kolen. Officer Peltekian continued chest compressions until Kolen gained consciousness.

Note: An analysis of BWV by FID investigators determined that Officer Peltekian conducted chest compressions for approximately one minute and 43 seconds.

According to Officer Peltekian, Kolen began to move and attempted to speak. Officer Peltekian ceased chest compressions. Officers Peltekian and Salcedo placed Kolen onto her left side, into a recovery position. While waiting to the arrival of the RA, officers continued to communicate with Kolen, using her first name and advising her that an RA was enroute. The officers also encouraged Kolen to continue breathing and to remain on her side.

Preservation of Evidence – Officer Torres moved Kolen's knife after Kolen was taken into custody. Officer Torres advised that the knife was still in close proximity to Kolen. If the officers were to reposition Kolen onto her back to administer CPR, Kolen would have ended up lying on top of the knife. Therefore, upon direction of Sergeant Eiman, Officer Torres used his hand to move the knife in a northerly direction, then placed his boot on top of the knife blade. Although in this case the officers moved the knife to facilitate the administering of medical aid, officers are reminded to minimize altering the crime scene and to take precautions to avoid altering conditions when touching evidence. The Director of OO advised that this issue was addressed through the generation of a SAI and Divisional Training. As such, I deem no further action is necessary.

DOC Notification – The DOC was notified 56 minutes after the OIS by Lieutenant Hawkins. The Director of OO advised that this issue was addressed through the generation of a SAI and divisional training. As such, I deem no further action is necessary.

Protocols Subsequent to a CAT (Documentation) – Sergeant Zalba’s Watch Commander log indicted the area as “Southwest” despite being loaned to 77th Division. Sergeant Eiman’s Sergeant Log indicated he was assigned to Harbor Division and assigned to unit 5L70, despite being loaned to 77th Division. Sergeant Gomez was relieved of monitoring Officer Molina by Sergeant G. Ruiz, Serial No. 36468, Southeast Patrol Division. Sergeant Gomez’s log indicates she was relieved at 0150 hours. Sergeant Ruiz’s log indicated he relieved Sergeant Gomez at 0140 hours. The Director of OO advised that these issues were addressed with each supervisor through the generation of a SAI and divisional training. As such, I deem no further action is necessary.

DICVS – The FID investigation revealed that Sergeant Gomez’s DICVS microphone was not synchronized with the DICVS camera. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and the issuance Notice to Correct Deficiencies (NTC). The Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officers Park and Molina left their DICVS microphones inside of their police vehicle and did not have the microphone on them during the incident. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and the initiation of a Personnel Complaint. The Director of OO concurred with this action. As such, I deem no further action is necessary.

BWV – The investigation revealed Officer Molina’s BWV was powered off in the field prior to responding to the radio call, which led to her BWV not having the required two-minute buffer. An analysis by OSB determined that Officer Molina had one prior BWV/DICVS non-compliance incident. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and the initiation of a Personnel Complaint. The Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Officers Sutliff and Salcido’s BWV was powered off in the field and did not have the required two-minute BWV buffer. An analysis by OSB determined that neither officer had any prior BWV non-compliance incidents. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and divisional training. The Director of OO concurred with this action. As such, I deem no further action is necessary.

Operations –South Bureau conducted a random inspection of BWV assigned to Officers Molina, Sutliff, and Salcido, from October 25, 2020 through November 24, 2020, for compliance with having a full two-minute buffer. The results of the inspections indicated Officers Molina, Sutliff, and Salcido were in compliance.

The investigation revealed Officer Peltekian did not activate his BWV when he escorted Kolen in the RA. According to Officer Peltekian, he believed that he was prohibited from recording inside of the RA due to medical confidentiality. An analysis by OSB determined that Officer Peltekian had one prior BWV non-compliance incident. The Commanding Officer of OSB advised this issue was addressed through the generation of a SAI and the issuance of an

Employee Comment Sheet. The Director of OO concurred with this action. As such, I deem no further action is necessary.

Operations – South Bureau conducted a random inspection of BWV assigned to Officer Peltekian, from October 25, 2020 through November 24, 2020, for compliance with timely activations. The results of the inspection indicated Officer Peltekian was in compliance.

The investigation revealed that during the two-minute buffering period, Officer Park's BWV was lying on the center console of the police vehicle and was not attached to her uniform. Officer Park picked up the BWV device and affixed it to her uniform prior to activation. According to Officer Park, she keeps her BWV on the console while driving due to previous BWV malfunctions created by her seatbelt. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and the initiation of a Personnel Complaint. The Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed Sergeant Eiman viewed his BWV video prior to receiving authorization to do so by FID detectives. The Commanding Officer of OSB advised this issue was addressed through the generation of a SAI and divisional training. The Director of OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Multiple police vehicles equipped with DICVS responded to this incident. None of the videos captured the OIS or had significant evidentiary value.

Body Worn Video (BWV) – Multiple officers who responded to the incident were equipped with BWV.

Officers Park and Molina's BWV captured the OIS, as well the apprehension of Kolen.

Officers Sutliff, Cabrera, Peltekian, Tellez, Torres, Skotte, Salcido and Sanchez, and Sergeants Eiman and Gomez had BWV that captured portions of Kolen's apprehension.

Officer Peltekian's BWV captured him administering CPR to Kolen.

Respectfully,


MICHAEL R. MOORE
Chief of Police

Date: 12-10-20